UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,

Plaintiff,

Civil No. 2:07cv170

v.

KENYA WHITAKER AND EASY SOFTWARE SOLUTIONS, LLC.,

Defendants.

Declaration of Carl Khalil

Pursuant to 28 U.S.C. § 1746, I, Carl Khalil declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of eighteen (18) years and am fully competent to testify to the matter stated in this declaration. This declaration is based upon my personal knowledge, Liberty's corporate and business records, and information available form Liberty's employees and agents.

2. I have served as Corporate Counsel to JTH Tax, Inc. d/b/a Liberty Tax Service ["Liberty"] since May 1999. My duties include overseeing the legal department and the litigation of lawsuits by and against ex-franchisees of Liberty, such as the defendant in this case.

3. Liberty intends to vigorously assert its claims against Kenya Whitaker and Easy Software Solutions, LLC. [collectively "Whitaker"] and also defend itself against any claims brought by Whitaker in this case.

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4. To support our claims and defenses, Liberty intends to call at least the following witnesses at trial:

- Cory Hughes- to testify to the contractual agreements and obligations between the parties, the Liberty Tax business system and Operating Manual as well as Whitaker's failure to comply with the post termination obligations contained in the Franchise Agreement. (Hughes Decl.)
- June Montalbano- to testify as to the authenticity of Whitaker's Franchise Agreement. (Montalbano Decl.)
- Kathleen Curry- to testify as to the actual termination of Whitaker's Franchise Agreement. (Curry Decl.)
- Geoff Knapp- to testify as to Whitaker's operation as a Liberty franchisee and also as to Whitaker's breaches of the Franchise Agreement. (Knapp Decl.)
- Rory Walters- to testify as to monies paid by Whitaker. (Walters Decl.)
- Martha O'Gorman- to testify as to marketing support provided to Whitaker. (O'Gorman Decl.)
- Stephen Richard- to testify as to the number of tax returns and gross revenue of Whitaker's Liberty office. (Richard Decl.)
- Nathalie Sauvaire- to testify as to the tax preparation software and assistance provided to Whitaker. (Sauvaire Decl.)
- Larry Johnson- to testify as to the technological support provided to Whitaker. (Johnson Decl.)

- Sandra Stow- to testify as to Whitaker's operation of a Liberty office and Whitaker's in-term and post-term breaches of the Franchise Agreement.
- Rebecca Ross- to testify as to Whitaker's breach of the post termination duties of the Franchise Agreement and trademark infringement.

5. It would be extremely inconvenient, costly and disruptive to our corporate operations to have to litigate cases all across the United States. By using forum selection clauses in favor of Virginia courts in our franchise agreements, we minimize this cost and disruption.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18th day of May 2007.

Carl Khalil

Carl Khalil